

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: JIMMY LEE ASLINGER AND { CHAPTER 13
HATTIE LOUISE ASLINGER, {
{
DEBTOR(S) { CASE NO. R22-40037-PWB
{
{ JUDGE BONAPFEL

OBJECTION TO CONFIRMATION

COMES NOW K. EDWARD SAFIR CHAPTER 13 TRUSTEE herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor(s)' payments under the proposed plan are not current.
2. The Debtor(s) has proposed to make payments directly to the Trustee but should be required to have them remitted by payroll deduction.
3. As unsecured creditors will receive less than in a Chapter 7 liquidation, the plan does not conform to 11 U.S.C. § 1325(a)(4).
4. The Chapter 13 Plan fails to provide the monthly post-confirmation payment for the claims of Santander Consumer USA, Inc. and O Bros Motorsports, preventing the Trustee from properly administering this plan.
5. The voluntary petition fails to reflect Debtor Hattie Aslinger's correct name; specifically, Debtor Hattie Aslinger's first and last name appear to be switched.
6. The Chapter 13 petition and schedules fail to disclose a 401(k) account, in violation of 11 U.S.C. § 521 and Fed. R. Bankr. P 1007(b).
7. The Chapter 13 budget fails to include expenses for homeowner's insurance; thereby, possibly rendering the proposed Chapter 13 plan payment to be infeasible, in violation of 11 U.S.C. § 1325(a)(6).

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8. Debtor(s)' Chapter 13 plan, schedules, and/or Statement of Financial Affairs are inaccurate and/or incomplete; the Trustee is unable to determine either the duration or feasibility of the proposed plan. 11 U.S.C. §§ 1325(a)(3) and 1325(a)(7); specifically, the Statement of Financial Affairs question 16 omits credit counseling fee.

9. The Chapter 13 Plan fails to provide for the correct applicable commitment period, in violation of 11 U.S.C. §§ 1325(b)(1)(B) and 1325(b)(4).

10. The payout of the claim(s) owed to Santander Consumer USA, Inc. and O Bros Motorsports will extend beyond sixty (60) months, contrary to 11 U.S.C. § 1322(d).

11. The Chapter 13 trustee requests that the Debtor(s) provide additional documentation to support the valuation of the real property disclosed on Schedule A/B.

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of this Debtor's (s') Plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

/s/
K. Edward Safir,
Chapter 13 Trustee
GA Bar No. 622149

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CERTIFICATE OF SERVICE

This is to certify that on this day I caused a copy of the foregoing pleading to be served via United States First Class Mail, with adequate postage thereon, on the following parties at the address shown for each:

JIMMY LEE ASLINGER
124 TOPPER WAY
DALTON, GA 30721

HATTIE LOUISE ASLINGER
124 TOPPER WAY
DALTON, GA 30721

I further certify that I have on this day electronically filed the pleading using the Bankruptcy Court's Electronic Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

SAEGER & ASSOCIATES, LLC

This 17th day of February, 2022

_____/s/
K. Edward Safir,
Chapter 13 Trustee
GA Bar No. 622149

K. Edward Safir, Chapter 13 Trustee
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